

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application N0. 14333 of Earl C. Ravenal, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard requirements (Sub-section 3304.1), from the prohibition against allowing a required parking space to be located in the front yard of a dwelling (Paragraph 7205.22) and from the prohibition against allowing an addition to a dwelling causing the rear yard to become more nonconforming (Paragraph 7105.12) for a proposed addition to a dwelling, a nonconforming structure, in an R-1-A District at premises 4439 Cathedral Avenue, N.W. (Square 1610, Lot 57).

HEARING DATE: September 25, 1985

DECISION DATE: October 2, 1985 and May 6, 1987

DISPOSITION: The Board GRANTED the application by a vote of 3-0 (William F. McIntosh and Charles R. Norris to grant; Patricia N. Mathews to grant by proxy; Douglas J. Patton not present not voting). The Board APPROVED a MODIFICATION of PLANS by a vote of 3-0 (Charles R. Norris and William F. McIntosh to approve; Patricia N. Mathews to approve by proxy; Carrie L. Thornhill and Paula L. Jewell not voting, not having heard the case.

FINAL DATE OF ORDER: February 12, 1986 and July 1, 1987 (Modification)

ORDER

The Board granted the application by its Order dated February 12, 1986. By its Order dated July 1, 1987, the Board waived its six month filing requirement and approved the applicant's request for a modification of plans.

By letters from the applicant, dated December 8, 1987, and from the counsel for the applicant, the applicant requested the Board to re-issue its most recent order in the subject application. The basis for the request was that the applicant did not receive a copy of the Order in a timely fashion. The address of the applicant shown on both the application form and the witness card submitted by the applicant at the public hearing are the correct address of the applicant. However a review of the record indicates that a copy of the Board's order was sent, Certified Mail,

to the applicant incorrectly addressed to 509 Cathedral Avenue, N.W.

The applicant received a copy of the order on December 4, 1987. The effective period of six months expired on January 1, 1988. The applicant was, therefore, unable to prepare working drawings and apply for building permits in a timely manner due to the short period of time for which the order would remain effective.

Based on the foregoing facts, the Board hereby grants the applicant's request and ORDERS that the Order No. 14333 dated July 1, 1987 is hereby REINSTATED with the same terms and conditions. Board incorporates herein the Findings of Fact and Conclusions of Law set forth in the prior orders, a copies of which are attached.

DECISION DATE: January 6, 1988

VOTE: 3-0 (Charles R. Norris and William F. McIntosh to grant; Patricia N. Mathews to grant by proxy; Paula L. Jewell and Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

MAR 11 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

order14333/DEE6

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14333, of Earl C. Ravenal, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard requirements (Sub-section 3304.1), from the prohibition against allowing a required parking space to be located in the front yard of a dwelling (Paragraph 7205.22) and from the prohibition against allowing an addition to a dwelling causing the rear yard to become more nonconforming (Paragraph 7105.12) for a proposed addition to a dwelling, a nonconforming structure, in an R-1-A District at premises 4439 Cathedral Avenue, N.W. (Square 1610, Lot 57).

HEARING DATE: September 25, 1985
DECISION DATE: October 2, 1985

FINDINGS OF FACT:

1. The subject site is located in the northeast corner of the intersection of Cathedral Avenue and 45th Street and is known as premises 4439 Cathedral Avenue, N.W. It is located in a R-1-A District.

2. The subject lot is rectangular in shape with a frontage of 100 feet along Cathedral Avenue and 75 feet along 45th Street.

3. The subject site is improved with a three story brick, detached dwelling unit.

4. The subject dwelling was constructed prior to May 12, 1958, the effective date of the current Zoning Regulations. At that date, the subject site became non-conforming as to rear yard.

5. The R-1-A District extends to the east, south and west of the subject site. An R-1-B District is located one lot north of the site.

6. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking variances from the rear yard requirements (Sub-section 3304.1), from the prohibition against allowing a required parking space to be located in the front yard of a dwelling (Paragraph 7205.22) and from the prohibition against allowing an addition to a dwelling causing the rear yard to become more nonconforming (Paragraph

7105.12) to construct two small additions to the subject structure.

7. Paragraph 8207.11 authorizes the BZA to grant an area variance where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under this Act would result in peculiar and exceptional practical difficulties to the owner of such property, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

8. The applicant and his wife have resided at the subject site for seventeen years and intend to continue residing there. The applicant's children occasionally reside at the subject site.

9. The Zoning Regulations require a rear yard set back of 25 feet. The house is now 24 feet seven inches away from the rear lot line.

10. The three-story addition proposed for the center of the north side, or rear of the existing structure will be in the shape of a semi-circle. It will protrude five feet into the rear yard and will measure approximately ten feet at its widest point.

11. The addition will encroach on the set back area by 5.3 feet or 21.2 percent.

12. The addition is intended to provide space to rebuild and enlarge the existing bathrooms which are now small and inadequate. This addition could not logically be placed in another space on the lot where it would be permitted as a matter-of-right since that would involve relocating all three bathrooms.

13. The proposed addition to the east of the subject structure, herein after referred to as the eastern addition, would expand the existing garage five feet to the north so that it would protrude into the required rear yard set backs area by 5.3 feet or 21.2 percent.

14. The existing garage is not being used as such. The access is narrow and steep. Part of the space is used for storage, the remainder is unused. There is adequate on street parking which the applicant generally uses.

15. The parking space provided in the front yard will be in the existing driveway in front of the garage. The area is cut into an approximately five foot high embankment

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APPLICATION No. 14333

As Acting Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated MAR 11 1988, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Chris Collins
Wilkes, Artis, Hendricks & Lane
1666 K St., N.W.
Wash., D.C. 20006

Earl C. Ravenal
4439 Cathedral Ave., N.W.
Wash., D.C. 20016


EDWARD L. CURRY
Acting Executive Director

DATE: MAR 11 1988